

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
FREDDIE LEE JONES)	CASE NO. 00-61222-MHM
)	
Debtor)	
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FREDDIE LEE JONES)	
)	
Plaintiff)	ADVERSARY PROCEEDING
)	NO. 02-9226
v.)	
)	
ARTHUR E. FERDINAND, FULTON)	
COUNTY TAX COMMISSIONER;)	
JACKIE BARRETT, FULTON COUNTY)	
SHERIFF; VESTA HOLDINGS, I, LLC;)	
FOXWORTHY, INC.)	
)	
Defendants)	ORDER DENYING MOTION
)	FOR RECONSIDERATION

By order entered April 28, 2005, Debtor's *pro se* request for hearing regarding a consent order (the "Consent Order") entered in this adversary proceeding January 9, 2003, was denied.

On May 6, 2005, Debtor filed a motion for reconsideration of the April 28, 2005 order.

Motions for reconsideration should not be used to raise arguments that were or could have been raised before the order was entered or to introduce new evidence that could have been presented in conjunction with the original action. *In re McDaniel*, 217 B.R. 348 (Bankr. N.D. Ga. 1998)(J. Drake); *In re Freeman*, Civil Action No. 1:88-CV-1320-JTC (N.D.Ga. June 21, 1989); *Kellogg v. Schreiber*, 197 F. 3d 1116 (11th Cir. 1999); *In re McDaniel*, 217 B.R. 348 (Bankr. N.D. Ga. 1998)(J. Drake); *O'Neal v. Kennamer*, 958 F. 2d 1044 (11th Cir.

1992). "Motions for reconsideration serve the limited purpose of correcting manifest errors of law or fact or, in certain instances calling newly discovered evidence to the Court's attention." *Id.*; *Pidcock v. Sunnyland America, Inc.*, 726 F. Supp. 1322 (S.D. Ga. 1989). Motions for reconsideration should not be used to relitigate issues already decided, to pad the record for an appeal or to substitute for an appeal. *Kellogg v. Schreiber*, 197 F. 3d 1116 (11th Cir. 1999); *In re McDaniel*, 217 B.R. 348 (Bankr. N.D. Ga. 1998)(J. Drake); *In re Oak Brook Apartments of Henrico County, Ltd.*, 126 B.R. 535 (Bankr. S.D. Ohio 1991). Such a motion is frivolous if it raises no manifest errors of law or misapprehensions of fact to explain why the court should change the original order. *Magnus Electric v. Masco Corp.*, 871 F. 2d 626 (7th Cir. 1989); *Unioil v. E.F. Hutton & Co.*, 809 F. 2d 548 (9th Cir. 1986). Parties who receive an adverse ruling are not encouraged, as a matter of course, to request the court "to rethink what the Court had already thought through--rightly or wrongly." *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D.Va.1983). The purpose of a motion for reconsideration "is not to give the moving party a second bite at the apple." *Arms v. Keybank, NA*, 238 B.R. 259, 261 (Bankr. D. Vt. 1999), *quoting Hoyer v. McCoy*, 157 B.R. 705, 708 (Bankr.M.D.Fla.1993).

As set forth in the April 28, 2005 order and in prior orders in this adversary proceeding,¹ Debtor admits that each of the actions required by the Consent Order has been completed. Debtor has set forth no good cause to reconsider the prior orders and includes only recitations of facts and allegations he has previously raised, which have been addressed and disposed of in the prior

¹ Two prior orders have been entered in this case relating to the Consent Order: July 20, 2004 and October 25, 2004.

orders. Reconsideration of the April 28, 2005 is unwarranted. Accordingly, it is hereby

ORDERED that Debtor's motion to reconsider the request for hearing is denied.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon the parties and the Chapter 13 Trustee.

IT IS SO ORDERED, this the _____ day of September, 2005.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE